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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,257	01/22/2002	Frederick R. Bean	TN-2239	3692

7590 08/25/2004
Adan Ayala, Esq.
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EXAMINER

NGUYEN, PHONG H

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/054,257

Applicant(s)

BEAN ET AL.

Examiner

Phong H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The Specification objections, the Drawing objections and 35 USC 112 rejections are withdrawn upon reviewing the Applicants' Remarks filed on 06/07/2004.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

3. Claims 1-7, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Brault et al. (6,431,042 B1), hereinafter Brault.

Regarding claims 1-5, Brault teaches a saw assembly comprising a base 14 having a circular well 66, a table 182 rotatably attached to the base, a saw assembly 150 and a wearing ring 138 having a L-shaped cross-section. See Figs. 1 and 5-7.

It is noted that using metal to manufacture the ring 138 is old and well known in the art as admitted by the Applicants. See paragraph [0031] in the Specification.

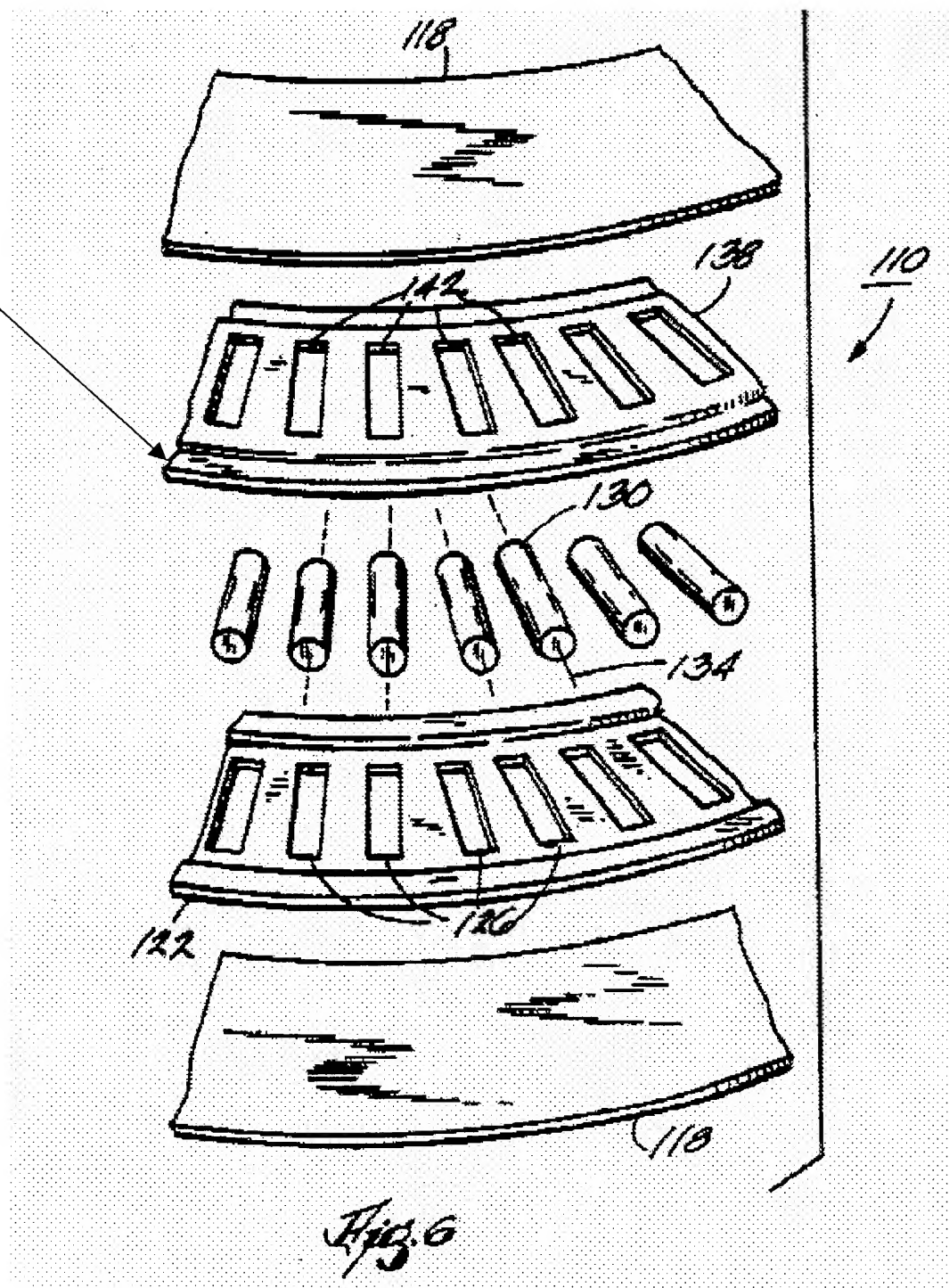
Regarding claims 6 and 7, a wall 106 extending from the well is best seen Fig. 5.

Regarding claims 11 and 12, Brault teaches a miter saw comprising a base 14 having holes (62/64) for fixing a fixture 70 and a table 182. See Figs. 1 and 7.

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It is noted that providing an appropriate hole's size for holes (62/64) to accommodate screws is routine skill in the art.

L-shaped
cross-section



4. Claims 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Stumpf et al. (6,418,830 B1), hereinafter Stumpf.

Stumpf teaches a miter saw assembly comprising a base 12, a table assembly 14 pivotably attached to the base, a fixed fence 48 and sliding fences 132 having a hole 178 for fixing an end stop fixture 68 thereto. See Figs. 1, 4, 5, 8A and 8B.

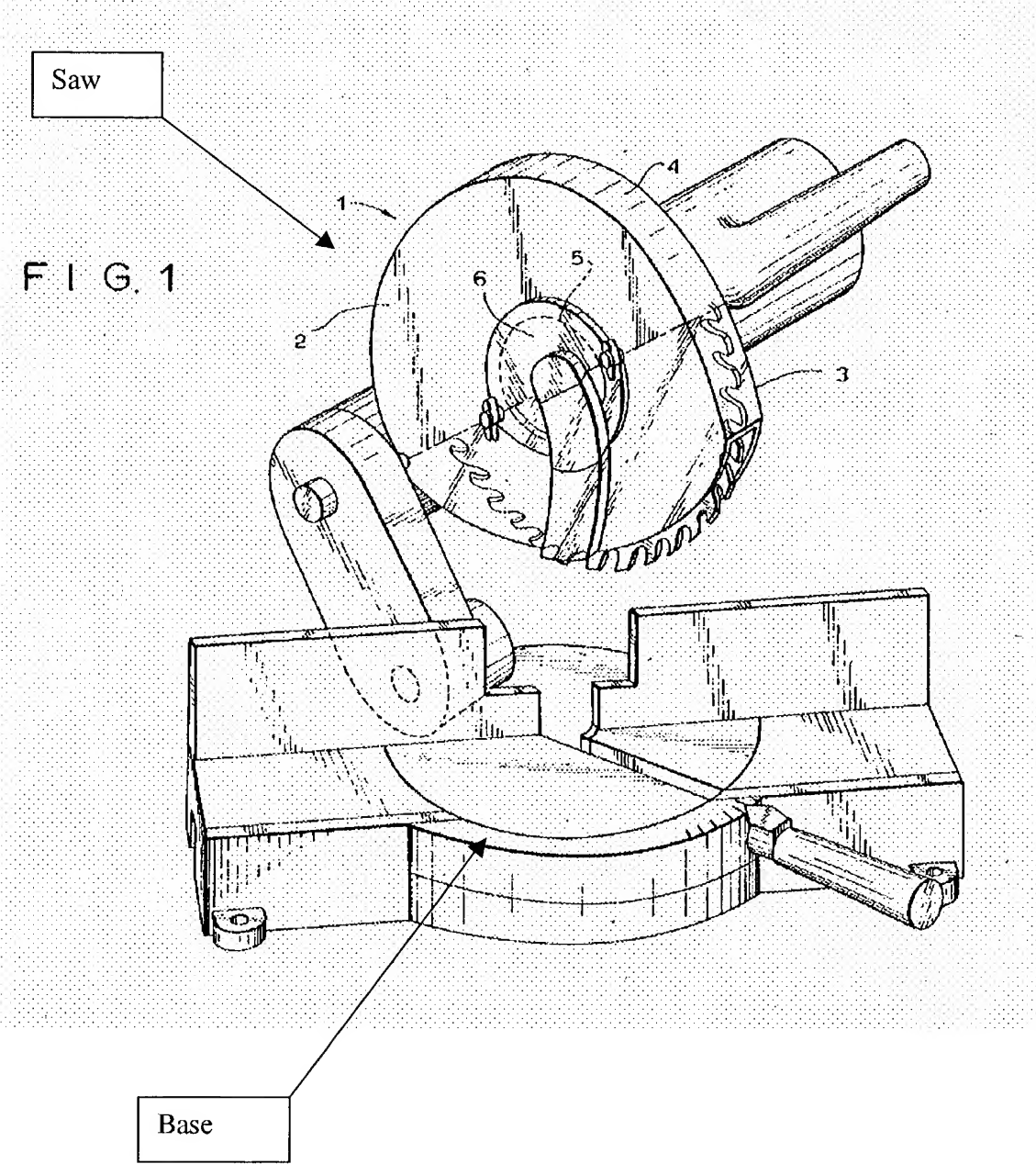
It is noted that providing an appropriate hole's size 176 to accommodate the screw 68 is routine skill in the art.

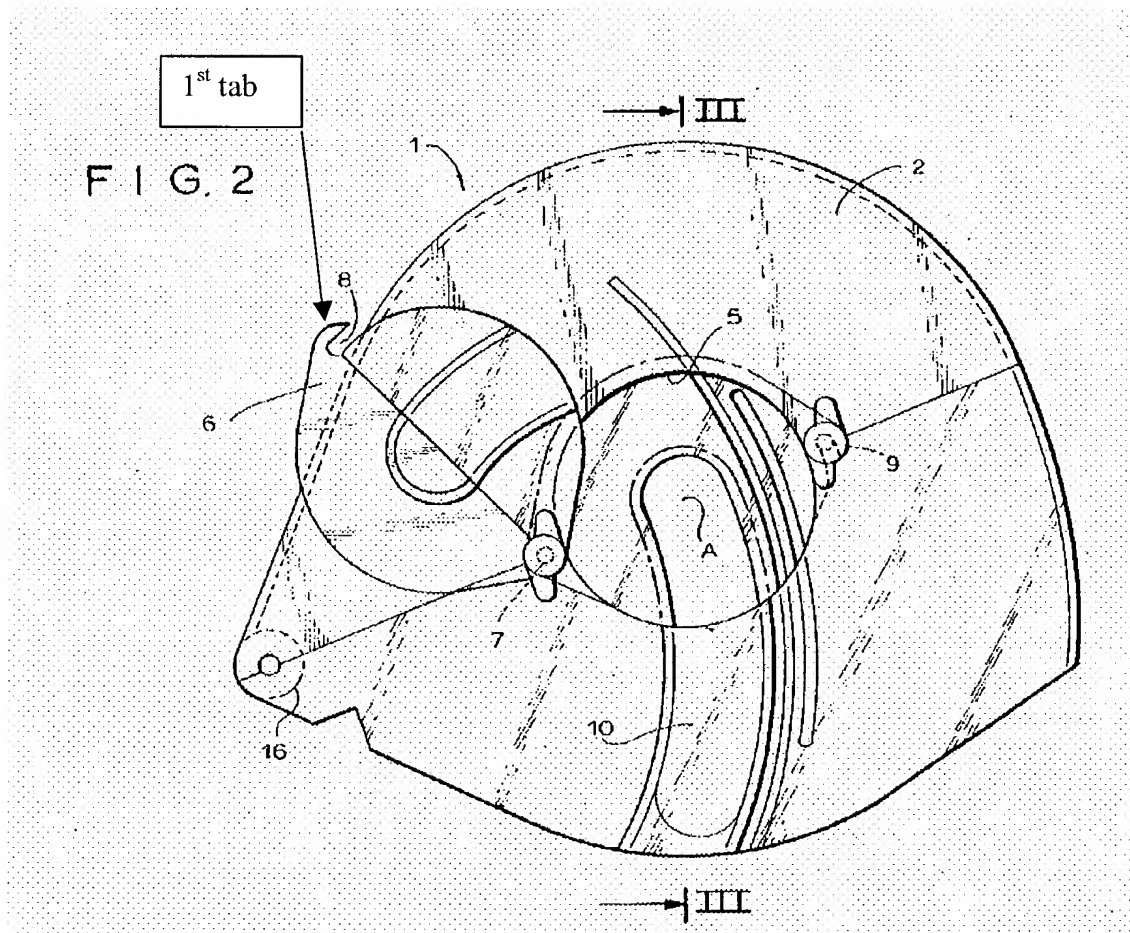
5. Claims 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Cotton et al. (4,892,022), hereinafter Cotton.

Regarding claim 13, Cotton teaches a chop saw assembly comprising a base assembly and a saw assembly. The saw assembly comprises an upper blade guard 2, a plate 6 and a lower blade guard 3. A screw 9 secures the plate 6 to the upper blade guard 2.

A first tab on the plate 6 extends outwardly near the screw 9. The thickness of the first tab is the first distance. It is inherently to unscrew the screw 9 a distance longer than the first distance to pivot the plate 6. See Figs. 1-4.

Regarding claims 14 and 16, the screw in the hole 7 is the second tab. It contacts the upper blade guard and extends toward a cutting blade.





Claim Rejections - 35 USC § 103

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cotton in view of Gray (5,782,001).

Cotton teaches a saw assembly substantially as claimed except for a second tab. Gray teaches a tab 13 to guide a sliding element and to lock it at a desired location. See Fig. 1. Therefore, it would have been obvious to provide a tab as taught by Gray on the plate of the Cotton's saw assembly to prevent the plate from falling down from the opening position as shown in Fig. 2.

Response to Arguments

7. Applicant's arguments filed 06/07/2004 have been fully considered but they are not persuasive. See above paragraphs.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In

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no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

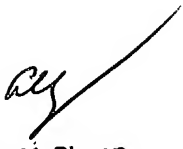
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phong H Nguyen whose telephone number is 703-305-4989. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PN: *pn*

August 19, 2004


Allan N. Shoap
Supervisory Patent Examiner
Group 3700